

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**Iron Workers District Council of Southern Ohio  
& Vicinity Benefit Trust, et al.,**

**Plaintiffs,**

v.

**Case No. 3:04-cv-125  
Judge Thomas M. Rose**

**A C Leadbetter & Son, Inc.,**

**Defendant.**

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**ENTRY AND ORDER GRANTING PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT. (DOC. 10).**

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This matter is before the Court for decision on Plaintiff's unopposed motion for summary judgment. Doc. 10. The motion arises in the context of a suit brought by three employee benefit plans against an employer, pursuant to the Employee Retirement and Income Security Act (ERISA) to collect delinquent contributions owed by the employer to the plans, as well as to collect interest and liquidated damages on unpaid employer contributions.

A district court properly relies upon the facts provided by a moving party when a motion for summary judgment goes unopposed. *Guarino v. Brookfield Township Trs.*, 980 F.2d 399, 404-05 & n.5 (6th Cir. 1992). In the instant case, the Court has reviewed the facts and law stated by Plaintiff, finds the motion well-taken, and **GRANTS** the motion.

Judgment is awarded against the Defendant, A.C. Leadbetter & Son, Inc., in the total amount of \$16,369.17, for delinquent employer contributions, pre-judgment interest and liquidated damages, divided among the Funds as follows:

Benefit Trust: \$5,870.84

Pension Trust: \$5,939.67

Annuity Trust: \$4,558.66.

As the instant order resolves the dispute between the parties, the Clerk is instructed to **TERMINATE** the instant matter from the docket of the United States District Court for the Southern District of Ohio at Dayton.

**DONE** and **ORDERED** in Dayton, Ohio, Friday, June 24, 2005.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE